

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TOM CLEGG GIBSON,

Petitioner,

v.

BAINBRIDGE MENTAL HEALTH,

Respondent.

CASE NO. C21-5641 BHS

ORDER

THIS MATTER is before the Court on Chief Magistrate Judge Creatura's Report and Recommendation, Dkt. 9, recommending that the Court deny Petitioner Thomas Gibson's Motion for Leave to proceed *in forma pauperis*, Dkt. 6, and dismiss the matter without prejudice for lack of subject matter jurisdiction. *Id.* at 2.

Gibson Objects, Dkt. 10, but he concedes that his proposed habeas petition relates to ongoing criminal proceedings against him in the Western District of Texas. *Id.* at 2.

The Report and Recommendation correctly explains that this Court does not have jurisdiction over that case. Dkt. 9 at 2.

1 The Report and Recommendation is **ADOPTED**. Gibson's Motion for leave to  
2 proceed *in forma pauperis* is **DENIED** and this matter is **DISMISSED without**  
3 **prejudice** for lack of subject matter jurisdiction.

4 The Clerk shall enter a JUDGMENT and close the case.

5 Dated this 14th day of January, 2022.

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8 BENJAMIN H. SETTLE  
9 United States District Judge  
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